

Applicant : Shunpei Yamazaki et al.
Serial No. : 09/833,674
Filed : April 13, 2001
Page : 18 of 21

Attorney's Docket No.: 12732-028001 / US4856

Amendments to the Drawings:

The attached replacement sheets of drawings includes changes to FIG. 16 and FIG. 17 and replaces the original sheets including FIG. 16 and FIG. 17.

Figures 16 and 17 have been amended to be designated as prior art.

Attachments following last page of this Amendment:

Replacement Sheets (2 pages)
Annotated Sheets Showing Changes (2 pages).

REMARKS

In response to the non-final office action of January 25, 2005, applicant asks that all claims be allowed in view of the amendment to the claims and the following remarks.

Claims 1-108 are pending in the application with claims 13-34, 39-42, 47-50, 63-84, 89-92 and 97-100 having been withdrawn from consideration. Of the claims under consideration, claims 1, 7, 35, 43, 51, 57, 85, 86 and 95 are independent, and claims 1, 4, 7, 10, 35, 36, 43, 44, 51, 54, 57, 60, 73, 85, 86, 93 and 94 have been amended. Support for these amendments may be found in the application at, for example, page 10, line 5. No new matter has been introduced.

Drawings

Figures 16 and 17 were required by the Office action to be designated as prior art. The drawings have been amended in compliance with 37 C.F.R. § 1.121(d). As such, applicant requests withdrawal of the objection to the drawings.

Rejection under Section 103

Claims 1-12, 35-38, 43-46, 51-62, 85-88, 93-96 and 101-108 were rejected under 35 U.S.C. § 103 as being unpatentable over Ritter (U.S. Patent No. 6,657,538) in view of Harkin (U.S. Patent No. 6,327,376). Applicant requests reconsideration and withdrawal of the rejection because Ritter, Harkin or the proper combination of the references do not describe or suggest the subject matter of independent claims 1, 7, 35, 43, 51, 57, 85 or 93.

Amended claim 1 recites a system for identifying an individual including, *inter alia*, a sensor-incorporated display; a flash memory for storing reference biological information;¹ a means for reading biological information of a user by means of said sensor-incorporated display; and a means for checking read biological information with the reference biological information.

Ritter discloses techniques for authenticating persons by processing video information of body features of a user to derive a personal biometric key that then is stored on a SIM-card for later use in authenticating the user. See Ritter at Abstract. See also Ritter at FIG. 1 (showing a communication terminal 1 having a SIM-card 3 with tables 4 storing user biometric information)

¹ The underlined portion was added by this amendment, and, naturally, was not addressed by the Office action.

and col. 3, line 57 to col. 4, line 1 (describing FIG. 1). Ritter's techniques authenticate the user based on deriving a biometric key using current video information of the body feature and comparing the newly derived biometric key with the previously stored biometric key. See Ritter at Abstract and col. 4, lines 16-52. Ritter's stored biometric key, which is stored on the SIM-card, corresponds most closely to the claimed reference biological information. However, Ritter does not describe or suggest a flash memory for storing reference biological information, as recited in claim 1.

The rejection relies on Harkin as disclosing a fingerprint sensing device. See Office action of January 25, 2005 at page 3, lines 10-15. However, Harkin's fingerprint sensing device does not cure Ritter's failure to describe or suggest a flash memory for storing reference biological information, as recited in amended claim 1.

Accordingly, neither Ritter, Harkin, nor any proper combination of the references describes or suggests a flash memory for storing reference biological information, as recited in amended claim 1. For at least these reasons, applicant respectfully requests reconsideration and withdrawal of the rejection of claim 1, and its dependent claims 2-6 and 101.

Amended independent claims 7, 35 and 43 each recite a flash memory for storing reference biological information. Accordingly, for at least the reasons described above with respect to claim 1, applicant requests reconsideration and withdrawal the rejection of independent claims 7, 35 and 43 and their dependent claims 8-12, 36-38, 44-46 and 102-104.

Amended independent claims 51, 57, 85 and 93 each recite checking read biological information with reference biological information stored on a flash memory. As described above, neither Ritter nor Harkin includes a flash memory for storing reference biological information. As such, Ritter, Harkin or any proper combination of the two do not disclose checking read biological information with the reference biological information stored on a flash memory.

For at least these reasons, applicant respectfully requests reconsideration and withdrawal of the rejection of claims 51, 57, 85 and 93 and their dependent claims 52-56, 58-62, 86-88, 94-96 and 105-108.

In addition to rejecting the claims over the combination of Ritter and Harkin, the rejection states that "it is obvious if not inherent that the user is informed of the authentication


decision.” See Office action of January 25, 2005 at page 4, lines 10-13. Applicant traverses. The rejection also takes “Official Notice that palm imaging is well known in the art of biometrics and it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the whole or part of the user’s palm as said biological information in order to identify the user based on the pattern of the palm.” Applicant traverses.

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

No fee is believed due. Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: April 25, 2005



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Shunpei Yamazaki et al. Art Unit : 2623
Serial No. : 09/833,674 Examiner : Ryan J. Hesseltine
Filed : April 13, 2001 Confirmation No.: 2128
Title : SYSTEM AND METHOD FOR IDENTIFYING AN INDIVIDUAL

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APPENDIX

- Annotated Drawings Sheets Showing Changes (2 pages)
- Replacement Sheets (2 pages)

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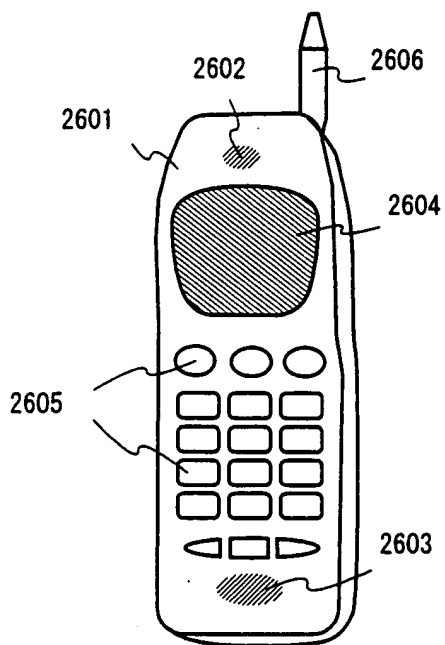


FIG. 16

PRIOR ART

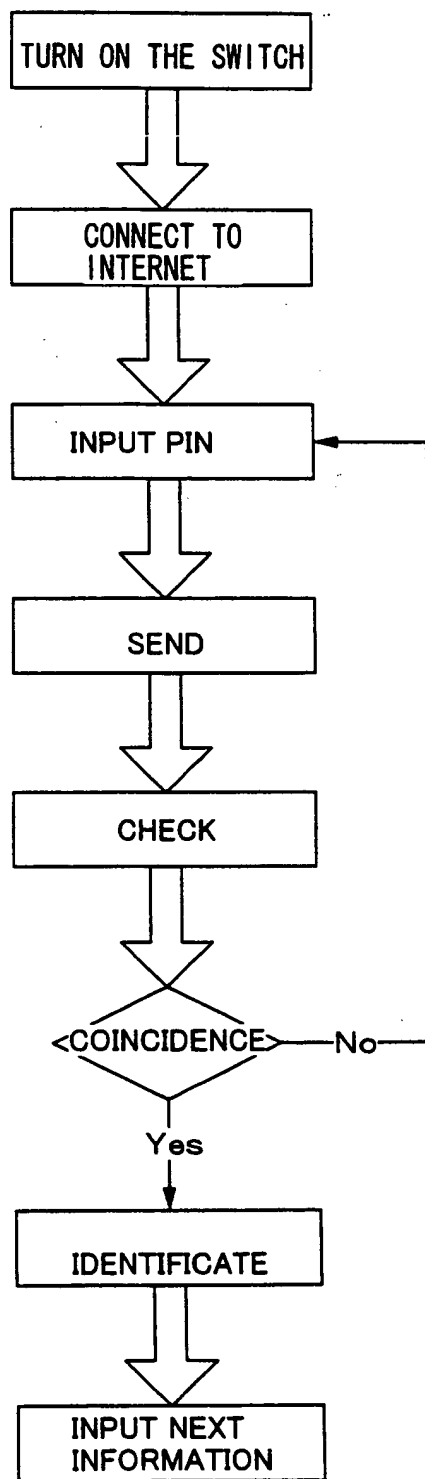


FIG. 17
PRIOR ART